



IFW

Atty. Dkt. No. 016915-0278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert WUEST
Title: METHOD FOR DEODORISING LARGE-
SCALE PLANTS
Appl. No.: 10/525,375
International 11/11/2003
Filing Date:
371(c) Date: 2/23/2005
Examiner: Regina M. YOO
Art Unit: 1744
Conf. No.: 5186

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 15, 2007, Applicant hereby provisionally elects **Group I, namely, Claims 1-10 drawn to the method**, for examination. The election is made with traverse for the reasons set forth below.

The Examiner has required restriction between Claims 1-10 (Group I), drawn to a method, and Claims 11-14 (Group II), drawn to an apparatus. The PTO has issued this restriction requirement under PCT Rule 13 and has suggested that the method and apparatus claims lack the same or corresponding technical features. Applicant respectfully disagrees.

There are three major features in the present patent application which are common to both the method claims and the device claims:

1. In both cases active agents are dispersed in a matrix of a polymer, thus forming a spongelike composition,
2. in both cases the active agents are slowly released and evaporate from the spongelike composition (claim 1), resp. the deodorizing agents are volatile (claim 11), which are synonymous descriptions of the active deodorizing agents, and
3. in both cases the spongelike composition is incorporated between two parallel boards,
 - between which a stream of air can flow (claim 1).
 - resp. which are open on all sides (claim 11).

The features "between which a stream of air can flow" and "which are open on all sides" are synonymous and have the same effect: When a stream of air can flow between two parallel boards, then these boards must be open; and when two parallel boards are open on all sides, then a stream of air must be able to flow between the boards.

The three above-referenced features are not disclosed in WO 98107454:

WO 98107454 [in the Abstract and in claim I) discloses a polymer film comprising a deodorant polymer made by copolymerizing 10 to 99 % of an ethylenically unsaturated monomer having a deodorant functional group, and 1 to 90 % of a hydrophilic ethylenically unsaturated monomer having no deodorant functional group. That means that the active deodorant agent is incorporated by copolymerization in the polymer film, whereas according to the present patent application, the active deodorant agent is dispersed in the polymer matrix.

According to the Abstract of WO 98107454 the deodorant polymer is crosslinked and the polymer film is solid, and according to page 10, lines 6 to 9 there is no exudation or volatilization of deodorant substances. That means that the deodorant film is not volatile and cannot be released and evaporate, as it is claimed in the present patent application.

WO 98107454 (in claim 4) discloses a sheet form deodorizer in which the deodorant polymer film is applied to a substrate, which according to page 9, lines 13/14 is a supporting substrate. There is no hint that the polymer film may be incorporated between two parallel boards, as it is claimed in the present patent application.

In a preferred embodiment according to claim 5 and according to Figure 1 of WO 98107454, the deodorant polymer is positioned between two air permeable sheets. According to page 10, lines 12 to 14 the odor substances (contained in the polluted air) can permeate through the air permeable sheets. This feature is different from the present patent application, where the spongelike composition (containing the active deodorant agents) is incorporated between two boards, between which a stream of air can flow.

Also, the arrangement shown in Figure 2 of WO 98107454 is different from the device of the present patent application. According to Figure 2 the polymer film 202 is positioned between a supporting substrate 201 and is covered by an air permeable sheet 203, which is not parallel to the support 201. Even if the support 201 would correspond to the lower board according to the present patent application, the air permeable film 203 is different from the upper board of the present patent application. Moreover, there is no explicit disclosure on page 11, lines 16 to 25, which describes Figure 2, that the deodorant polymer film is incorporated between two parallel boards, and that a stream of air flows between the parallel boards, being open on all sides.

In view of the foregoing, Applicant respectfully requests that the PTO substantiate its position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-14 presently pending in this application be examined.

Respectfully submitted,

Date: April 13, 2007

By P.D.S.

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

Paul D. Strain
Attorney for Applicant
Registration No. 47,369